

Senate File 492

H-8293

1 Amend Senate File 492, as passed by the Senate, as
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I
5 DISASTER CASE MANAGEMENT GRANT FUND AND PROGRAM>

6 2. Page 3, after line 22 by inserting:

7 <DIVISION ____
8 MEDICAL CANNABIS

9 Sec. _____. Section 124.204, subsection 4, paragraphs
10 m and u, Code 2016, are amended by striking the
11 paragraphs.

12 Sec. _____. Section 124.204, subsection 7, Code 2016,
13 is amended by striking the subsection.

14 Sec. _____. Section 124.206, subsection 7, Code 2016,
15 is amended to read as follows:

16 7. *Hallucinogenic substances*. Unless specifically
17 excepted or unless listed in another schedule, any
18 material, compound, mixture, or preparation which
19 contains any quantity of the following substances,
20 or, for purposes of paragraphs "a" and "b", which
21 contains any of its salts, isomers, or salts of isomers
22 whenever the existence of such salts, isomers, or salts
23 of isomers is possible within the specific chemical
24 designation (for purposes of this paragraph only, the
25 term "isomer" includes the optical, positional, and
26 geometric isomers):

27 a. ~~Marijuana when used for medicinal purposes~~
28 ~~pursuant to rules of the board.~~

29 b. Tetrahydrocannabinols, meaning
30 tetrahydrocannabinols naturally contained in a
31 plant of the genus cannabis (cannabis plant) as well
32 as synthetic equivalents of the substances contained
33 in the cannabis plant, or in the resinous extractives
34 of such plant, and synthetic substances, derivatives,
35 and their isomers with similar chemical structure and

1 pharmacological activity to those substances contained
2 in the plant, such as the following:

3 (1) 1 cis or trans tetrahydrocannabinol, and their
4 optical isomers.

5 (2) 6 cis or trans tetrahydrocannabinol, and their
6 optical isomers.

7 (3) 3,4 cis or trans tetrahydrocannabinol, and
8 their optical isomers. (Since nomenclature of these
9 substances is not internationally standardized,
10 compounds of these structures, regardless of numerical
11 designation of atomic positions covered.)

12 ~~b.~~ c. Nabilone [another name for

13 nabilone: (+) -

14 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-
15 dimethyl-9H-dibenzo[b,d]pyran-9-one].

16 Sec. _____. Section 124.401, subsection 5, unnumbered
17 paragraph 3, Code 2016, is amended to read as follows:

18 A person may knowingly or intentionally recommend,
19 possess, use, dispense, deliver, transport, or
20 administer ~~cannabidiol~~ medical cannabis if the
21 recommendation, possession, use, dispensing, delivery,
22 transporting, or administering is in accordance with
23 the provisions of ~~chapter 124D~~ 124E. For purposes of
24 this paragraph, "~~cannabidiol~~" "medical cannabis" means
25 the same as defined in ~~section 124D.2~~ 124E.2.

26 Sec. _____. NEW SECTION. 124E.1 Short title.

27 This chapter shall be known and may be cited as the
28 "*Compassionate Use of Medical Cannabis Act*".

29 Sec. _____. NEW SECTION. 124E.2 Definitions.

30 As used in this chapter:

31 1. "*Debilitating medical condition*" means any of the
32 following:

33 a. Cancer, if the underlying condition or treatment
34 produces one or more of the following:

35 (1) Intractable pain.

1 (2) Nausea or severe vomiting.
2 (3) Cachexia or severe wasting.
3 *b.* Multiple sclerosis.
4 *c.* Epilepsy or seizure disorders.
5 *d.* AIDS or HIV as defined in section 141A.1.
6 *e.* Crohn's disease or ulcerative colitis.
7 *f.* Amyotrophic lateral sclerosis.
8 *g.* Intractable pain.
9 *h.* Glaucoma.
10 *i.* Any terminal illness, with a probable life
11 expectancy of under one year, if the illness or its
12 treatment produces one or more of the following:
13 (1) Intractable pain.
14 (2) Nausea or severe vomiting.
15 (3) Cachexia or severe wasting.
16 *j.* Any other chronic or debilitating disease or
17 medical condition or its medical treatment approved by
18 the department pursuant to rule.
19 2. "*Department*" means the department of public
20 health.
21 3. "*Disqualifying felony offense*" means a violation
22 under federal or state law of a felony offense, which
23 has as an element the possession, use, or distribution
24 of a controlled substance, as defined in 21 U.S.C.
25 §802(6).
26 4. "*Enclosed, locked facility*" means a closet, room,
27 greenhouse, or other enclosed area equipped with locks
28 or other security devices that permit access only by a
29 cardholder.
30 5. "*Health care practitioner*" means an individual
31 licensed under chapter 148 to practice medicine and
32 surgery or osteopathic medicine and surgery or an
33 individual licensed to prescribe medicine in any other
34 state and provides specialty care for an Iowa resident
35 for one or more of the debilitating medical conditions

1 provided in this chapter.

2 6. "*Intractable pain*" means a pain in which the
3 cause of the pain cannot be removed or otherwise
4 treated with the consent of the patient and which, in
5 the generally accepted course of medical practice, no
6 relief or cure of the cause of the pain is possible,
7 or none has been found after reasonable efforts.
8 Reasonable efforts for relieving or curing the cause of
9 the pain may be determined on the basis of but are not
10 limited to any of the following:

11 a. When treating a nonterminally ill patient for
12 intractable pain, evaluation by the attending physician
13 and one or more physicians specializing in pain
14 medicine or the treatment of the area, system, or organ
15 of the body perceived as the source of the pain.

16 b. When treating a terminally ill patient,
17 evaluation by the attending physician who does so in
18 accordance with the level of care, skill, and treatment
19 that would be recognized by a reasonably prudent
20 physician under similar conditions and circumstances.

21 7. "*Medical cannabis*" means any species of the genus
22 cannabis plant, or any mixture or preparation of them,
23 including whole plant extracts and resins.

24 8. "*Medical cannabis manufacturer*" means an entity
25 licensed by the department to manufacture and to
26 possess, cultivate, transport, or supply medical
27 cannabis pursuant to the provisions of this chapter.

28 9. "*Medical cannabis patient center*" means an entity
29 licensed under section 124E.8 that acquires medical
30 cannabis from a medical cannabis manufacturer in this
31 state for the purpose of dispensing medical cannabis in
32 this state pursuant to this chapter.

33 10. "*Primary caregiver*" means a person, at least
34 eighteen years of age, who has been designated by a
35 patient's health care practitioner or a person having

1 custody of a patient, as a necessary caretaker taking
2 responsibility for managing the well-being of the
3 patient with respect to the use of medical cannabis
4 pursuant to the provisions of this chapter.

5 11. *“Written certification”* means a document signed
6 by a health care practitioner, with whom the patient
7 has established a patient-provider relationship, which
8 states that the patient has a debilitating medical
9 condition and identifies that condition and provides
10 any other relevant information.

11 Sec. ____ . NEW SECTION. 124E.3 Health care
12 practitioner certification — duties.

13 1. Prior to a patient’s submission of an
14 application for a medical cannabis registration card
15 pursuant to section 124E.4, a health care practitioner
16 shall do all of the following:

17 a. Determine, in the health care practitioner’s
18 medical judgment, whether the patient whom the health
19 care practitioner has examined and treated suffers from
20 a debilitating medical condition that qualifies for
21 the use of medical cannabis under this chapter, and
22 if so determined, provide the patient with a written
23 certification of that diagnosis.

24 b. Provide explanatory information as provided by
25 the department to the patient about the therapeutic use
26 of medical cannabis.

27 2. Determine, on an annual basis, if the patient
28 continues to suffer from a debilitating medical
29 condition and, if so, issue the patient a new
30 certification of that diagnosis.

31 3. Otherwise comply with all requirements
32 established by the department pursuant to rule.

33 4. A health care practitioner may provide, but has
34 no duty to provide, a written certification pursuant
35 to this section.

1 Sec. _____. NEW SECTION. 124E.4 Medical cannabis
2 registration card.

3 1. *Issuance to patient.* The department may approve
4 the issuance of a medical cannabis registration card by
5 the department of transportation to a patient who:

6 a. Is at least eighteen years of age.

7 b. Is a permanent resident of this state.

8 c. Submits a written certification to the
9 department signed by the patient's health care
10 practitioner that the patient is suffering from a
11 debilitating medical condition.

12 d. Submits an application to the department, on a
13 form created by the department, in consultation with
14 the department of transportation, that contains all of
15 the following:

16 (1) The patient's full name, Iowa residence
17 address, date of birth, and telephone number.

18 (2) A copy of the patient's valid photo
19 identification.

20 (3) Full name, address, and telephone number of the
21 patient's health care practitioner.

22 (4) Full name, residence address, date of birth,
23 and telephone number of each primary caregiver of the
24 patient, if any.

25 (5) Any other information required by rule.

26 2. *Patient card contents.* A medical cannabis
27 registration card issued to a patient by the department
28 of transportation pursuant to subsection 1 shall
29 contain, at a minimum, all of the following:

30 a. The patient's full name, Iowa residence address,
31 and date of birth.

32 b. The patient's photograph.

33 c. The date of issuance and expiration date of the
34 registration card.

35 d. Any other information required by rule.

1 3. *Issuance to primary caregiver.* For a patient in
2 a primary caregiver's care, the department may approve
3 the issuance of a medical cannabis registration card
4 by the department of transportation to the primary
5 caregiver who:

6 a. Is at least eighteen years of age.

7 b. Submits a written certification to the
8 department signed by the patient's health care
9 practitioner that the patient in the primary
10 caregiver's care is suffering from a debilitating
11 medical condition.

12 c. Submits an application to the department, on a
13 form created by the department, in consultation with
14 the department of transportation, that contains all of
15 the following:

16 (1) The primary caregiver's full name, residence
17 address, date of birth, and telephone number.

18 (2) The patient's full name.

19 (3) A copy of the primary caregiver's valid photo
20 identification.

21 (4) Full name, address, and telephone number of the
22 patient's health care practitioner.

23 (5) Any other information required by rule.

24 4. *Primary caregiver card contents.* A medical
25 cannabis registration card issued by the department
26 of transportation to a primary caregiver pursuant to
27 subsection 3 shall contain, at a minimum, all of the
28 following:

29 a. The primary caregiver's full name, residence
30 address, and date of birth.

31 b. The primary caregiver's photograph.

32 c. The date of issuance and expiration date of the
33 registration card.

34 d. The registration card number of each patient
35 in the primary caregiver's care. If the patient

1 in the primary caregiver's care is under the age of
2 eighteen, the full name of the patient's parent or
3 legal guardian.

4 e. Any other information required by rule.

5 5. *Expiration date of card.* A medical cannabis
6 registration card issued pursuant to this section shall
7 expire one year after the date of issuance and may be
8 renewed.

9 6. *Card issuance — department of*
10 *transportation.* The department may enter into
11 a chapter 28E agreement with the department of
12 transportation to facilitate the issuance of medical
13 cannabis registration cards pursuant to subsections 1
14 and 3.

15 Sec. _____. NEW SECTION. 124E.5 **Medical advisory**
16 **board — duties.**

17 1. No later than August 15, 2016, the director
18 of public health shall establish a medical advisory
19 board consisting of nine practitioners representing the
20 fields of neurology, pain management, gastroenterology,
21 oncology, psychiatry, pediatrics, infectious disease,
22 family medicine, and pharmacy. The practitioners
23 shall be nationally board-certified in their area of
24 specialty and knowledgeable about the use of medical
25 cannabis.

26 2. A quorum of the advisory board shall consist of
27 five members.

28 3. The duties of the advisory board shall include
29 but not be limited to the following:

30 a. Reviewing and recommending to the department for
31 approval additional chronic or debilitating diseases or
32 medical conditions or their treatments as debilitating
33 medical conditions that qualify for the use of medical
34 cannabis under this chapter.

35 b. Accepting and reviewing petitions to add chronic

1 or debilitating diseases or medical conditions or their
2 medical treatments to the list of debilitating medical
3 conditions that qualify for the use of medical cannabis
4 under this chapter.

5 *c.* Advising the department regarding the location
6 and number of necessary medical cannabis patient
7 centers throughout the state on a continuous basis, the
8 form and quantity of allowable medical cannabis to be
9 dispensed to a patient or primary caregiver, and the
10 general oversight of medical cannabis manufacturers and
11 medical cannabis patient centers in this state.

12 *d.* Convening at least twice per year to conduct
13 public hearings and to evaluate petitions, which
14 shall be maintained as confidential personal health
15 information, to add chronic or debilitating diseases or
16 medical conditions or their medical treatments to the
17 list of debilitating medical conditions that qualify
18 for the use of medical cannabis under this chapter.

19 Sec. _____. NEW SECTION. **124E.6 Medical cannabis**
20 **manufacturer licensure.**

21 1. *a.* The department shall license up to two
22 medical cannabis manufacturers to manufacture
23 medical cannabis within this state consistent with
24 the provisions of this chapter by December 1, 2016.
25 The department shall license new medical cannabis
26 manufacturers or relicense the existing medical
27 cannabis manufacturers by December 1 of each year.

28 *b.* Information submitted during the application
29 process shall be confidential until the medical
30 cannabis manufacturer is licensed by the department
31 unless otherwise protected from disclosure under state
32 or federal law.

33 2. As a condition for licensure, a medical cannabis
34 manufacturer must agree to begin supplying medical
35 cannabis to medical cannabis patient centers in this

1 state by July 1, 2017.

2 3. The department shall consider the following
3 factors in determining whether to license a medical
4 cannabis manufacturer:

5 a. The technical expertise of the medical cannabis
6 manufacturer in medical cannabis.

7 b. The qualifications of the medical cannabis
8 manufacturer's employees.

9 c. The long-term financial stability of the medical
10 cannabis manufacturer.

11 d. The ability to provide appropriate security
12 measures on the premises of the medical cannabis
13 manufacturer.

14 e. Whether the medical cannabis manufacturer
15 has demonstrated an ability to meet certain medical
16 cannabis production needs for medical use regarding
17 the range of recommended dosages for each debilitating
18 medical condition, the range of chemical compositions
19 of any plant of the genus cannabis that will likely
20 be medically beneficial for each of the debilitating
21 medical conditions, and the form of the medical
22 cannabis in the manner determined by the department
23 pursuant to rule.

24 f. The medical cannabis manufacturer's projection
25 of and ongoing assessment of fees on patients with
26 debilitating medical conditions.

27 4. The department shall require each medical
28 cannabis manufacturer to contract with the state
29 hygienic laboratory at the university of Iowa in Iowa
30 City to test the medical cannabis produced by the
31 manufacturer. The department shall require that the
32 laboratory report testing results to the manufacturer
33 in a manner determined by the department pursuant to
34 rule.

35 Sec. _____. NEW SECTION. 124E.7 Medical cannabis

1 **manufacturers.**

2 1. A medical cannabis manufacturer shall contract
3 with the state hygienic laboratory at the university
4 of Iowa in Iowa City for purposes of testing the
5 medical cannabis manufactured by the medical cannabis
6 manufacturer as to content, contamination, and
7 consistency. The cost of all laboratory testing shall
8 be paid by the medical cannabis manufacturer.

9 2. The operating documents of a medical cannabis
10 manufacturer shall include all of the following:

11 a. Procedures for the oversight of the medical
12 cannabis manufacturer and procedures to ensure accurate
13 record keeping.

14 b. Procedures for the implementation of appropriate
15 security measures to deter and prevent the theft of
16 medical cannabis and unauthorized entrance into areas
17 containing medical cannabis.

18 3. A medical cannabis manufacturer shall implement
19 security requirements, including requirements for
20 protection of each location by a fully operational
21 security alarm system, facility access controls,
22 perimeter intrusion detection systems, and a personnel
23 identification system.

24 4. A medical cannabis manufacturer shall not share
25 office space with, refer patients to, or have any
26 financial relationship with a health care practitioner.

27 5. A medical cannabis manufacturer shall not permit
28 any person to consume medical cannabis on the property
29 of the medical cannabis manufacturer.

30 6. A medical cannabis manufacturer is subject to
31 reasonable inspection by the department.

32 7. A medical cannabis manufacturer shall not
33 employ a person under eighteen years of age or who has
34 been convicted of a disqualifying felony offense. An
35 employee of a medical cannabis manufacturer shall be

1 subject to a background investigation conducted by the
2 division of criminal investigation of the department
3 of public safety and a national criminal history
4 background check.

5 8. A medical cannabis manufacturer shall not
6 operate in any location, whether for manufacturing,
7 cultivating, harvesting, packaging, or processing,
8 within one thousand feet of a public or private school
9 existing before the date of the medical cannabis
10 manufacturer's licensure by the department.

11 9. A medical cannabis manufacturer shall comply
12 with reasonable restrictions set by the department
13 relating to signage, marketing, display, and
14 advertising of medical cannabis.

15 10. a. A medical cannabis manufacturer shall
16 provide a reliable and ongoing supply of medical
17 cannabis to medical cannabis patient centers pursuant
18 to this chapter.

19 b. All manufacturing, cultivating, harvesting,
20 packaging, and processing of medical cannabis shall
21 take place in an enclosed, locked facility at a
22 physical address provided to the department during the
23 licensure process.

24 c. A medical cannabis manufacturer shall not
25 manufacture edible medical cannabis products utilizing
26 food coloring.

27 d. A medical cannabis manufacturer shall
28 manufacture a reliable and ongoing supply of medical
29 cannabis to treat every debilitating medical condition
30 listed in this chapter.

31 Sec. _____. NEW SECTION. 124E.8 Medical cannabis
32 patient center licensure.

33 1. a. The department shall license by April 1,
34 2017, up to four medical cannabis patient centers to
35 dispense medical cannabis within this state consistent

1 with the provisions of this chapter. The department
2 shall license new medical cannabis patient centers or
3 relicense the existing medical cannabis manufacturers
4 by December 1 of each year.

5 *b.* Information submitted during the application
6 process shall be confidential until the medical
7 cannabis patient center is licensed by the department
8 unless otherwise protected from disclosure under state
9 or federal law.

10 2. As a condition for licensure, a medical cannabis
11 patient center must agree to begin supplying medical
12 cannabis to patients by July 1, 2017.

13 3. The department shall consider the following
14 factors in determining whether to license a medical
15 cannabis patient center:

16 *a.* The technical expertise of the medical cannabis
17 patient center regarding medical cannabis.

18 *b.* The qualifications of the medical cannabis
19 patient center's employees.

20 *c.* The long-term financial stability of the medical
21 cannabis patient center.

22 *d.* The ability to provide appropriate security
23 measures on the premises of the medical cannabis
24 patient center.

25 *e.* The medical cannabis patient center's projection
26 and ongoing assessment of fees for the purchase of
27 medical cannabis on patients with debilitating medical
28 conditions.

29 Sec. _____. NEW SECTION. **124E.9 Medical cannabis**
30 **patient centers.**

31 1. *a.* The medical cannabis patient centers shall
32 be located based on geographical need throughout the
33 state to improve patient access.

34 *b.* A medical cannabis patient center may dispense
35 medical cannabis pursuant to the provisions of this

1 chapter but shall not dispense any medical cannabis
2 in a form or quantity other than the form or quantity
3 allowed by the department pursuant to rule.

4 2. The operating documents of a medical cannabis
5 patient center shall include all of the following:

6 a. Procedures for the oversight of the medical
7 cannabis patient center and procedures to ensure
8 accurate record keeping.

9 b. Procedures for the implementation of appropriate
10 security measures to deter and prevent the theft of
11 medical cannabis and unauthorized entrance into areas
12 containing medical cannabis.

13 3. A medical cannabis patient center shall
14 implement security requirements, including requirements
15 for protection by a fully operational security alarm
16 system, facility access controls, perimeter intrusion
17 detection systems, and a personnel identification
18 system.

19 4. A medical cannabis patient center shall not
20 share office space with, refer patients to, or have any
21 financial relationship with a health care practitioner.

22 5. A medical cannabis patient center shall not
23 permit any person to consume medical cannabis on the
24 property of the medical cannabis patient center.

25 6. A medical cannabis patient center is subject to
26 reasonable inspection by the department.

27 7. A medical cannabis patient center shall not
28 employ a person under eighteen years of age or who has
29 been convicted of a disqualifying felony offense. An
30 employee of a medical cannabis patient center shall be
31 subject to a background investigation conducted by the
32 division of criminal investigation of the department
33 of public safety and a national criminal history
34 background check.

35 8. A medical cannabis patient center shall not

1 operate in any location within one thousand feet of a
2 public or private school existing before the date of
3 the medical cannabis patient center's licensure by the
4 department.

5 9. A medical cannabis patient center shall
6 comply with reasonable restrictions set by the
7 department relating to signage, marketing, display, and
8 advertising of medical cannabis.

9 10. Prior to dispensing of any medical cannabis,
10 a medical cannabis patient center shall do all of the
11 following:

12 a. Verify that the medical cannabis patient center
13 has received a valid medical cannabis registration card
14 from a patient or a patient's primary caregiver, if
15 applicable.

16 b. Assign a tracking number to any medical cannabis
17 dispensed from the medical cannabis patient center.

18 c. (1) Properly package medical cannabis in
19 compliance with federal law regarding child resistant
20 packaging and exemptions for packaging for elderly
21 patients, and label medical cannabis with a list of
22 all active ingredients and individually identifying
23 information, including all of the following:

24 (a) The name and date of birth of the patient and
25 the patient's primary caregiver, if appropriate.

26 (b) The medical cannabis registration card numbers
27 of the patient and the patient's primary caregiver, if
28 applicable.

29 (c) The chemical composition of the medical
30 cannabis.

31 (2) Proper packaging of medical cannabis shall
32 include but not be limited to all of the following:

33 (a) Warning labels regarding the use of medical
34 cannabis by a woman during pregnancy and while
35 breastfeeding.

1 (b) Clearly labeled packaging indicating that
2 an edible medical cannabis product contains medical
3 cannabis and which packaging shall not imitate candy
4 products or in any way make the product marketable to
5 children.

6 11. A medical cannabis patient center shall employ
7 a pharmacist licensed pursuant to chapter 155A.

8 12. A medical cannabis patient center shall keep
9 a reliable and ongoing supply of medical cannabis to
10 treat every debilitating medical condition listed in
11 this chapter.

12 Sec. _____. NEW SECTION. 124E.10 Department duties
13 — rules.

14 1. a. The department shall maintain a confidential
15 file of the names of each patient to or for whom the
16 department issues a medical cannabis registration
17 card, the name of each primary caregiver to whom the
18 department issues a medical cannabis registration card
19 under section 124E.4, and the names of each health care
20 practitioner who provides a written certification for
21 medical cannabis pursuant to this chapter.

22 b. Individual names contained in the file shall be
23 confidential and shall not be subject to disclosure,
24 except as provided in subparagraph (1).

25 (1) Information in the confidential file maintained
26 pursuant to paragraph "a" may be released on an
27 individual basis to the following persons under the
28 following circumstances:

29 (a) To authorized employees or agents of the
30 department and the department of transportation as
31 necessary to perform the duties of the department and
32 the department of transportation pursuant to this
33 chapter.

34 (b) To authorized employees of state or local
35 law enforcement agencies, but only for the purpose of

1 verifying that a person is lawfully in possession of a
2 medical cannabis registration card issued pursuant to
3 this chapter.

4 (c) To authorized employees of a medical cannabis
5 patient center, but only for the purpose of verifying
6 that a person is lawfully in possession of a medical
7 cannabis registration card issued pursuant to this
8 chapter.

9 (2) Release of information pursuant to subparagraph
10 (1) shall be consistent with the federal Health
11 Insurance Portability and Accountability Act of 1996,
12 Pub. L. No. 104-191.

13 2. The department shall adopt rules pursuant to
14 chapter 17A to administer this chapter which shall
15 include but not be limited to rules to do all of the
16 following:

17 a. Govern the manner in which the department shall
18 consider applications for new and renewal medical
19 cannabis registration cards.

20 b. Identify criteria and set forth procedures for
21 including additional chronic or debilitating diseases
22 or medical conditions or their medical treatments
23 on the list of debilitating medical conditions that
24 qualify for the use of medical cannabis. Procedures
25 shall include a petition process and shall allow for
26 public comment and public hearings before the medical
27 advisory board.

28 c. Set forth additional chronic or debilitating
29 diseases or medical conditions or associated medical
30 treatments for inclusion on the list of debilitating
31 medical conditions that qualify for the use of medical
32 cannabis as recommended by the medical advisory board.

33 d. Establish the form and quantity of medical
34 cannabis allowed to be dispensed to a patient or
35 primary caregiver pursuant to this chapter. The

1 form and quantity of medical cannabis shall be
2 appropriate to serve the medical needs of patients with
3 debilitating conditions.

4 *e.* Establish requirements for the licensure of
5 medical cannabis manufacturers and medical cannabis
6 patient centers and set forth procedures for medical
7 cannabis manufacturers and medical cannabis patient
8 centers to obtain licenses.

9 *f.* Develop a dispensing system for medical cannabis
10 within this state that provides for all of the
11 following:

12 (1) Medical cannabis patient centers within
13 this state housed on secured grounds and operated by
14 licensed medical cannabis patient centers.

15 (2) The dispensing of medical cannabis to patients
16 and their primary caregivers to occur at locations
17 designated by the department.

18 *g.* Specify and implement procedures that address
19 public safety including security procedures and product
20 quality including measures to ensure contaminant-free
21 cultivation of medical cannabis, safety, and labeling.

22 *h.* Establish and implement a real-time, statewide
23 medical cannabis registry management sale tracking
24 system that is available to medical cannabis patient
25 centers on a twenty-four-hour-day, seven-day-a-week
26 basis for the purpose of verifying that a person
27 is lawfully in possession of a medical cannabis
28 registration card issued pursuant to this chapter
29 and for tracking the date of the sale and quantity of
30 medical cannabis purchased by a patient or a primary
31 caregiver.

32 *i.* Establish and implement a medical cannabis
33 inventory and delivery tracking system to track
34 medical cannabis from production by a medical cannabis
35 manufacturer through dispensing at a medical cannabis

1 patient center.

2 Sec. _____. NEW SECTION. 124E.11 **Reciprocity.**

3 A valid medical cannabis registration card, or its
4 equivalent, issued under the laws of another state
5 that allows an out-of-state patient to possess or
6 use medical cannabis in the jurisdiction of issuance
7 shall have the same force and effect as a valid
8 medical cannabis registration card issued pursuant to
9 this chapter, except that an out-of-state patient in
10 this state shall not obtain medical cannabis from a
11 medical cannabis patient center in this state and an
12 out-of-state patient shall not smoke medical cannabis.

13 Sec. _____. NEW SECTION. 124E.12 **Use of medical**
14 **cannabis — smoking prohibited.**

15 A patient shall not consume medical cannabis
16 possessed or used as authorized by this chapter by
17 smoking medical cannabis.

18 Sec. _____. NEW SECTION. 124E.13 **Use of medical**
19 **cannabis — affirmative defenses.**

20 1. A health care practitioner, including any
21 authorized agent or employee thereof, shall not be
22 subject to prosecution for the unlawful certification,
23 possession, or administration of marijuana under the
24 laws of this state for activities arising directly
25 out of or directly related to the certification or
26 use of medical cannabis in the treatment of a patient
27 diagnosed with a debilitating medical condition as
28 authorized by this chapter.

29 2. A medical cannabis manufacturer, including any
30 authorized agent or employee thereof, shall not be
31 subject to prosecution for manufacturing, possessing,
32 cultivating, harvesting, packaging, processing,
33 transporting, or supplying medical cannabis pursuant
34 to this chapter.

35 3. A medical cannabis patient center, including

1 any authorized agent or employee thereof, shall not be
2 subject to prosecution for transporting, supplying, or
3 dispensing medical cannabis pursuant to this chapter.

4 *a.* In a prosecution for the unlawful possession
5 of marijuana under the laws of this state, including
6 but not limited to chapters 124 and 453B, it is an
7 affirmative and complete defense to the prosecution
8 that the patient has been diagnosed with a debilitating
9 medical condition, used or possessed medical
10 cannabis pursuant to a certification by a health care
11 practitioner as authorized under this chapter, and,
12 for a patient eighteen years of age or older, is in
13 possession of a valid medical cannabis registration
14 card.

15 *b.* In a prosecution for the unlawful possession
16 of marijuana under the laws of this state, including
17 but not limited to chapters 124 and 453B, it is an
18 affirmative and complete defense to the prosecution
19 that the person possessed medical cannabis because the
20 person is a primary caregiver of a patient who has been
21 diagnosed with a debilitating medical condition and is
22 in possession of a valid medical cannabis registration
23 card, and where the primary caregiver's possession of
24 the medical cannabis is on behalf of the patient and
25 for the patient's use only as authorized under this
26 chapter.

27 *c.* If a patient or primary caregiver is charged
28 with the commission of a crime and is not in possession
29 of the person's medical cannabis registration card,
30 any charge or charges filed against the person shall
31 be dismissed by the court if the person produces to
32 the court prior to or at the person's trial a medical
33 cannabis registration card issued to that person and
34 valid at the time the person was charged.

35 4. An agency of this state or a political

1 subdivision thereof, including any law enforcement
2 agency, shall not remove or initiate proceedings to
3 remove a patient under the age of eighteen from the
4 home of a parent based solely upon the parent's or
5 patient's possession or use of medical cannabis as
6 authorized under this chapter.

7 Sec. _____. REPEAL. Chapter 124D, Code 2016, is
8 repealed.

9 Sec. _____. EMERGENCY RULES. The department may
10 adopt emergency rules under section 17A.4, subsection
11 3, and section 17A.5, subsection 2, paragraph "b",
12 to implement the provisions of this division of this
13 Act and the rules shall be effective immediately upon
14 filing unless a later date is specified in the rules.
15 Any rules adopted in accordance with this section shall
16 also be published as a notice of intended action as
17 provided in section 17A.4.

18 Sec. _____. TRANSITION PROVISIONS. A medical
19 cannabis registration card issued under chapter 124D
20 prior to July 1, 2016, remains effective and continues
21 in effect as issued for the twelve-month period
22 following its issuance. This division of this Act does
23 not preclude the permit holder from seeking to renew
24 the permit under this division of this Act prior to the
25 expiration of the twelve-month period.>

26 3. Title page, by striking lines 1 and 2 and
27 inserting <An Act relating to statewide programs for
28 the health and safety of Iowa residents and making
29 penalties applicable.>

30 4. By renumbering, redesignating, and correcting
31 internal references as necessary.

KRESSIG of Black Hawk